

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

IN RE SPENCER ANTHONY PETERS,)	Case No.: 3:08CR31
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Petitioner.)	
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MOTION TO UNSEAL PRE-SENTENCE REPORT AND OTHER DOCUMENTS
FILED UNDER SEAL IN THE CASE OF UNITED STATES OF AMERICA v. FOLUKAE
DOVE IN CASE NO. 3:08CR31

COMES NOW Your Petitioner, by counsel, pursuant to the First Amendment to the United States Constitution, and respectfully requests this Court enter an Order directing that the pre-sentence report and any other documents or motions filed under seal in the case of *United States of America v. Folukae Dove* be released to the Petitioner. As grounds for this Motion, the Petitioner states as follows:

1. The above referenced case is a case currently pending in the U.S. District Court for the Eastern District of Virginia.
2. Upon information and belief, a pre-sentence report and/or sentencing guidelines were prepared and filed under seal by an officer with the United States Probation Office in this case prior to the sentencing of Folukae Dove.
3. Upon information and belief, other documents and/or motions were filed under seal in this case that outline Folukae Dove's criminal history and criminal conduct as it relates to the charge currently pending in this Court.

4. On February 8, 2008, Folukae Dove was sentenced in this Court for a term of incarcerations of 480 months.

5. The First Amendment right of access applies to documents filed in connection with plea hearings and sentencing hearings in criminal cases. In Re Washington Post Co., 807 F.2d 383, 390 (4th Cir. 1986).

6. Further, the Petitioner has criminal charges pending in the Circuit Court for the City of Richmond, and Folukae Dove is scheduled to testify on behalf of the Commonwealth of Virginia at the trial of those matters.

7. Upon information and belief, the documents filed under seal provide information of an exculpatory nature to the Petitioner. Also, the documents filed under seal provide information upon which the Petitioner could use to impeach the credibility of Folukae Dove at the trial of the Petitioner's charges in state court.

WHEREFORE, the Petitioner respectfully requests this Court enter an Order directing that the pre-sentence report and any other documents or motions filed under seal in the case of *United States of America v. Folukae Dove* be released to the Petitioner and or his attorney.

Respectfully Requested,

FOLUKAE DOVE

By:

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing Motion was mailed, via electronically, to Olivia Hawkins at olivia.hawkins@usdoj.gov and to David Lassiter at davidlassiterjr@cpmcast.net, this 3rd day of October, 2008.

_____/s/_____
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